



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY: Department of Aging
MULTI-COUNTY: Horizon Charter School

A written comment period has been established commencing on **November 28, 2008**, and closing on **January 12, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **January 12, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED
CONFLICT OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 3. DEPARTMENT OF
PESTICIDE REGULATION**

Field Fumigant Emission Limits
DPR Regulation No. 08-006

NOTICE OF PROPOSED REGULATORY ACTION

AND

**NOTICE OF PUBLIC HEARING
ON A PROPOSED OZONE STATE
IMPLEMENTATION PLAN AMENDMENT
REGARDING PESTICIDE EMISSIONS
IN THE SAN JOAQUIN VALLEY
NONATTAINMENT AREA**

The Department of Pesticide Regulation (DPR) proposes to amend section 6452.2 of Title 3, California Code of Regulations. This proposed action would revise the total pesticide (fumigant and nonfumigant) volatile organic compound (VOC) emissions benchmarks in the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas (NAAs), and delay fumigant limits and allowances in all ozone NAAs except Ventura until 2011.

DPR will conduct a public hearing to accept comments on amendment to the ozone state implementation plan. DPR proposes a new commitment to reduce VOC emissions from agricultural and commercial structural pesticide applications in the San Joaquin Valley ozone NAA. Opportunity to comment and hearings on the proposed amendment are being provided in conjunction with this rulemaking.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person

named below. Written comments must be received no later than 5:00 p.m. on January 15, 2009. Comments regarding this proposed action may also be transmitted via e-mail <dpr08006@cdpr.ca.gov> or by facsimile transmission at (916) 324-1452.

Public hearings have been scheduled for the time and place stated below to receive oral comments regarding the proposed regulatory changes.¹

DATE: January 12, 2009

TIME: 5:00 p.m.

PLACE: Kern Agricultural Pavilion
3300 E. Belle Terrace
Bakersfield, California 93307

DATE: January 14, 2009

TIME: 1:00 p.m.

PLACE: California Environmental Protection
Agency Headquarters Building
Sierra Hearing Room
1001 I Street
Sacramento, California 95814

A DPR representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 4:30 to 5:00 p.m. in Bakersfield, and from 12:30 to 1:00 p.m. in Sacramento. Generally, registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

State and federal law mandates that DPR protect human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. VOCs can contribute to the formation of ground-level ozone, which is harmful to human health and vegetation when present at high enough concentrations. The federal Clean Air Act requires each state to

¹ If you have special accommodation or language needs, please notify DPR. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

submit a State Implementation Plan (SIP) for achieving and maintaining federal ambient air quality standards for ozone. An ozone NAA is a geographical region in California that does not meet either federal or state ambient air quality standards. The U.S. Environmental Protection Agency (U.S. EPA) designates NAAs in Title 40, Code of Federal Regulations (CFR) section 81.305. In 1994, California's Air Resources Board and DPR developed a plan to reduce pesticidal sources of VOCs in five NAAs—Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura—as part of the California SIP to meet the one-hour ozone standard.

In 2006, a federal court found that DPR had violated this pesticide element of the 1994 SIP and ordered DPR to adopt regulations by January 26, 2008, to achieve a 20 percent reduction of pesticide VOC emissions from 1991 levels in the five NAAs. (Court Order concerning remedies, No. Civ. S-04-822 [E.D. Cal. filed April 6, 2006], enforcing *El Comité Para el Bienestar de Earlimart v. Helliker*, 416 F. Supp. 2d 912 [E.D. Cal. 2006].) Regulations (Office of Administrative Law File No. 2007-1219-01S) were developed and adopted January 25, 2008, to comply with the court order. Those regulations, in part, require the Director to establish field fumigant VOC emission limits for NAAs that exceed 80 percent of the emissions benchmarks to make sure those benchmarks are not exceeded. The benchmarks are based on each NAA's emissions in 1991, and are set 20 percent below that level.

On July 18, 2008, U.S. EPA revised California's SIP by reducing the amount of the VOC emission reductions required from pesticides in Ventura in 2008 by 1.3 tons per day (tpd) (73 Federal Register 41277, 41278). That SIP revision steadily phases that 1.3 tons of reduction back in, so that by 2012 the 20 percent pesticide VOC reduction goal in Ventura is reinstated.

On August 20, 2008, the Ninth Federal Circuit Court of Appeals vacated the federal district court's order to achieve a 20 percent reduction from 1991 emissions in the five NAAs. [*El Comité Para El Bienestar de Earlimart v. Warmerdam*, ___ F.3d ___, 2008 WL 3853351, C.A. 9 (Cal.) August 20, 2008 (No. 06-16131, 06-16000)]. On September 3, 2008, DPR amended section 6452.2 (Office of Administrative Law File No. 2008-0828-01S) to make it consistent with the phase-in of 1.3 tons per day in Ventura approved by U.S. EPA.

To comply with the lower court's order, current regulation section 6452.2 sets the benchmarks for total VOC emissions (fumigant and nonfumigant) 20 percent below 1991 levels. DPR proposes to amend section 6452.2 by using 1990 emissions, instead of 1991, to establish the benchmarks. Additionally, the benchmark for the San Joaquin Valley ozone NAA is being revised to reflect a 12 percent reduction of pesticide VOC emis-

sions from the 1990 levels. These proposed benchmarks are more consistent with our obligation under the 1994 SIP. While DPR proposes to make the benchmarks no more stringent than the SIP, it is taking other actions to reduce pesticide VOC emissions, particularly in the San Joaquin Valley.

DPR proposes to amend subsection (a) to delay fumigant limits and allowances in all ozone NAAs until 2011. The benchmarks in section 6452.2 serve to trigger implementation of an area-wide fumigant limit and allowance system, which would cap fumigant emissions in an area and allocate emissions to growers through use permit conditions. This fumigant allowance system in subsection (a) is triggered in an area if its overall emissions exceed 80 percent of the benchmark level. Allocating fumigants in order to control overall pesticide VOC emissions was a measure put in place to achieve immediate remedial action to meet the court order. Administering the allowance system requires substantial state and local government resources. Thus, this mechanism should only be used if no other measures will achieve emission reductions. Measures such as restrictions on fumigation methods and reformulation of nonfumigant pesticides are a more efficient use of regulatory resources. In addition, measures to reduce nonfumigants in the San Joaquin Valley ozone NAA should be implemented before this mechanism where nonfumigants emissions are a substantial part of the total. The fumigant limit and allowance process could nearly result in the elimination of fumigant use without achieving the desired reductions.

The proposed regulatory action pertains to the following seven fumigant active ingredients. Common brand names and/or alternative chemical names are given in parentheses as an aid to identification—methyl bromide, 1,3-Dichloropropene (Telone, Inline), chloropicrin, metam-sodium (Vapam, Sectagon), Potassium N-methyldithiocarbamate (also known as metam-potassium [K-Pam]), dazomet (Basamid), and sodium tetrathiocarbonate (Enzone).

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regula-

tory action. DPR estimates that delay of implementing the emission limit and allowances in the Sacramento Metro, San Joaquin Valley, South Coast, and Southeast Desert ozone NAAs will save the county agricultural commissioners up to \$1.23 million per year in 2008–09 and 2009–10, in costs for workload associated with the allowance system.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no increased costs to any state agency will result from the proposed regulatory action. However, the delay of implementing the emission limit and allowances in the Sacramento Metro, San Joaquin Valley, South Coast, and Southeast Desert ozone NAAs will save up to \$1.23 million per year in 2008–09 and 2009–10, in payments to the local county agricultural commissioners for workload associated with this allowance system. DPR resources allocated to implement this process would be available to develop and implement measures to reduce nonfumigant emissions.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation would have no significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal reduces the adverse economic impact from current regulation. The revised overall emission limit for the Ventura NAA in 2012 will allow for more acreage to be treated.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The DPR is not aware of any cost impact that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action. As discussed above, the revised overall benchmark emission limit in the Ventura NAA of 1,100,000 pounds in 2012 allows an additional 2,693 acres to be fumigated. The estimated value of the crops grown on those 2,693 fumigated acres is \$7.5 million. DPR also expects 1,000 and 500 acres to be removed from production in 2013 and 2014, respectively, and zero acres removed in 2015 and beyond. Fewer acres are lost due to the development and implementation of new fumigation methods, currently being researched, that will reduce VOC emissions in future years. The total benefit for the 2012–2015 is \$21.6 million.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 12976, 14005, and 14102.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 11501, 14006, and 14102.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation

may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Office of Legislation and Regulations
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted above:

Randy Segawa, Environmental Program Manager
Environmental Monitoring Branch
(916) 324-4137

This Notice of Proposed Action, the Initial Statement of Reasons, the proposed text of the regulation, the proposed amendment to the ozone state implementation plan regarding pesticide emissions in the San Joaquin Valley NAA, and staff report are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.5(a)(19) may be obtained from the contact

person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 5. SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING CHILD CARE AND DEVELOPMENT SERVICES FOR CHILDREN RECEIVING CHILD PROTECTIVE SERVICES AND AT RISK CHILDREN

[Notice published November 28, 2008]

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing beginning at **10:00 a.m. on January 22, 2009**, at 1430 N Street, **Room 6303**, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be re-

ceived by the Regulations Coordinator prior to **5:00 p.m. on January 22, 2009.**

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SSPI may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 8250, 8261, 8261.5, 8263, and 8269, Education Code.

References: Sections 8203, 8208, 8212, 8250, 8261, 8261.5, 8263, 8265, 8269, Education Code; Sections 16500.5 and 16506, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill 1104 (2004) requires child care and development contractors to change the amount of child care and development services provided to families if the family has a child(ren) who are recipients of child protective services or who are at risk of abuse, neglect, and exploitation. In addition, child care and development contractors will need to begin collecting family fees if the family has a child(ren) who are recipients of protective services or who are at risk of abuse, neglect, or exploitation, unless they are exempt from paying fees for no more than a combined total of up to 12 months based on the referral from the county welfare department, child welfare services worker or a legal, medical, or social services agency or emergency shelter.

The purpose of these regulations is to facilitate implementation of SB 1104 by providing procedures for child care and development contractors to follow for children receiving child protective services and children at risk of abuse, neglect, or exploitation.

DISCLOSURES REGARDING THE PROPOSED ACTION

The SSPI has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary costs or savings imposed on local educational agencies: None

Costs or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SSPI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed amendments to the regulations do not have a significant affect on small businesses because funding will continue to small businesses providing child care and development services.

CONSIDERATION OF ALTERNATIVES

The SSPI must determine that no reasonable alternative he considered or that has otherwise been identified and brought to his attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Irene Martinez
Child Development Division
California Department of Education
1430 N Street, Room 3410
Sacramento, CA 95814
Telephone: 916-322-6233
E-mail: IMartine@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Irene Martinez, Child Development Division, 1430 N Street, 3rd Floor, Sacramento, CA, 95814; telephone, 916-322-6233. It is recom-

mended that assistance be requested at least two weeks prior to the hearing.

TITLE 10. BUSINESS, TRANSPORTATION AND HOUSING AGENCY

California Business, Transportation and Housing Agency Small Business Loans and Guarantees Title 10, Chapter 7

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the California Business, Transportation and Housing Agency (BTH) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Agency proposes to amend the following sections of Title 10 of the California Code of Regulations in order to implement, interpret and make specific Division 3, Part 5, Chapter 1 of the Corporations Code, relating to farm loans: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117, and 5119.

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments will be accepted by the Agency until **5:00 p.m. on January 12, 2008**. Submit comments to:

Glenn Stober
California Business, Transportation and Housing
Agency
980 9th Street, Suite 2450
Sacramento, CA 95814
Fax: (916) 323-5440
E-Mail: glenn.stober@bth.ca.gov

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Corporations Code section 14024 in order

to implement, interpret, and make specific Division 3, Part 5, Chapter 1 of the Corporations Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of the proposed revision is to:

- 1) Allow Small Business Loan Guarantee Program trust funds to be lent to Financial Development Corporations (FDCs) for the purpose of making farm loans through a master credit agreement, rather than individual promissory notes.
- 2) Clarify existing regulations by:
 - a. Stipulating that the loan from BTH to the FDC shall be at 2% below the prime rate as listed in the western edition of the Wall Street Journal for each day that funds are owed to BTH. That has been the intention of the regulation, and the practice between the FDCs and BTH. However, as currently written the regulation is not clear that the loan shall be at a variable rate.
 - b. Allowing up to 25% of a trust fund account to be comprised of the total outstanding loan balances of loans with a remaining term to maturity of over 84 months (seven years). The change will maintain the intent of the regulation to ensure that adequate funds are available annually to meet the demand for farm loans, but provide for easier monitoring as the current regulation is confusing and subject to interpretation.
- 3) Eliminate unnecessary provisions by deleting all references to a reserve to fund farm loans that has never existed and is not expected to exist.
- 4) Conform loans to farm borrowers to market conditions by allowing FDCs to loan funds to farm borrowers at a maximum rate of 4% above the Wall Street Journal's prime rate, thereby recognizing the credit quality of the borrowers, none of whom would be able to obtain financing without the FDC loan and a guarantee from the USDA. Small business loans are typically 2% to 5% above the prime rate. The rate change also recognizes the cost of administering the farm loan program as the FDCs rely on interest income to help cover the cost of program administration.

DISCLOSURES REGARDING THE PROPOSED ACTION

The California Business, Transportation and Housing Agency has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Potential cost impact on private persons or directly affected businesses: \$1,313 per year to businesses that receive financial assistance through the farm loan program (approximately 75 per year).
- Significant effect on housing: None
- The proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulatory changes make improvements to the process of lending state funds to intermediary re-lenders who make loans to farm operators who would otherwise not be able to obtain financing.
- The adoption of these regulatory changes will not result in the elimination of jobs or businesses in California. The 1% increase in the maximum interest rate that a borrower may be charged will allow financing to be structured consistent with market conditions as program borrowers are unable to obtain conventional financing because of risk. The interest rate cap increase may result in a minor additional cost to some borrowers of \$1,313 per year. That additional cost will provide revenue necessary for the lending FDC to administer its farm loan program and help make capital available to farm operations that would otherwise not be able to obtain it.
- The proposed regulatory changes will not result in the elimination of small businesses in California. The regulatory action makes improvements to a program designed to help small farm operations obtain financing that otherwise would not be available to them.

EFFECT ON SMALL BUSINESS

The California Business, Transportation and Housing Agency has determined that the proposed regulation will impact small businesses.

ALTERNATIVES CONSIDERED

The California Business, Transportation and Housing Agency must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Agency would be more effective in carrying out the purpose of the proposed action, or be as effective and less burdensome to affected private person than the proposed regulations. The Agency invites interested persons to present statements or arguments concerning alternatives to the proposed regulation during the public comment period.

CONTACT PERSON

Inquiries and questions regarding the substance of the proposed regulations, or requests for copies of the proposed text, the initial statement of reasons, the modified text of the regulations, or any other rulemaking documents, should be submitted or directed to:

Glenn Stober
California Business, Transportation and Housing
Agency
980 9th Street, Suite 2450
Sacramento, CA 95814
Phone: (916) 324-9538
Fax: (916) 323-5440
E-Mail: glenn.stober@bth.ca.gov

The following person is designated as a backup contact person for inquiries regarding the proposed regulation:

Karen Kawada
California Business, Transportation and Housing
Agency
980 9th Street, Suite 2450
Sacramento, CA 95814
Phone: (916) 323-5825
Fax: (916) 323-5440
E-Mail: karen.kawada@bth.ca.gov

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After the close of the forty-five (45) day public comment period, the Agency may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Agency regarding this proposal, the Agency may determine that changes to the proposed regulation are appropriate. If the Agency makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Agency adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Glenn Stober at the above address. The Agency will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

**AVAILABILITY OF INITIAL STATEMENT OF
REASONS, RULEMAKING FILE AND EXPRESS
TERMS OF THE PROPOSED REGULATIONS**

The Agency has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Agency's office at 980 9th Street, Suite 2450, Sacramento, California 95814, during normal business working hours. Please contact Glenn Stober at the above address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

The Agency is required to prepare a Final Statement of Reasons. Once the Agency has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Agency Contact Person identified in this Notice.

AGENCY INTERNET WEBSITE

The Agency maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the BTH website at www.bth.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Date: November 18, 2008

Bulletin: No. 2008-18

Subject: Notice of Proposed Regulatory Action — Professional Certificates and Certificate Replacement Regulations 9070 and 9077

At the April 2006 meeting, the Commission approved the reformatting of the *POST Administrative Manual (PAM)*. In July 2006 the Commission approved new (i.e., reformatted) text for POST PAM Chapter 7 — Certificates, Regulation 9070, et seq. Since the reformatted Regulation 9070 has been in use, two substantive errors have been noticed and require correction. First, previous text specifying that the Supervisory, Management, and Executive Certificates each require two years of satisfactory experience in the capacity designated was shortened and inadvertently left out of the new regulations. The resulting new regulation allows peace officers who do not possess the required experience to obtain advanced certificates before the Commission traditionally deems them eligible. Second, new text [9077(a)(2)] was added pertaining to the numbering of replacement certificates. This section should not have been added because it describes a nonexistent process.

The attached notice describes the proposed changes and includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the POST website at: www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Please direct any inquiries or comments pertaining to the proposed action to Leah Cherry, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at lcherry@post.ca.gov, by telephone at (916) 227-4856, or by fax at (916) 227-5271. Michael McVean is the contact for inquiries on the substance of the proposed revisions. Mr. McVean is available by email at mmcvean@post.ca.gov, or by telephone at (916) 227-4253.

/s/
PAUL CAPPITELLI
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION Amendments to Regulations 9070 and 9077, Professional Certificates and Certificate Replacement

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by January 12, 2009

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to the:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7081

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At the April 2006 meeting, the Commission approved the reformatting of *PAM*. In July 2006 the Commission approved new (i.e., reformatted) text for *PAM* Chapter 7 — Certificates, Regulation 9070, et seq. Since the reformatted Regulation 9070 has been in use, two substantive errors have been noticed and require correction. First, previous text specifying that the Supervisory, Management, and Executive Certificates each require two years of satisfactory experience in the capacity designated was shortened and inadvertently left out of the new regulations. The resulting new regulation allows peace officers who do not possess the re-

quired experience to obtain advanced certificates before the Commission traditionally deems them eligible. Second, new text [9077(a)(2)] was added pertaining to the numbering of replacement certificates. This should not have been added because it describes a nonexistent process.

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

Assessment

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct any inquiries or comments pertaining to the proposed action to Leah Cherry, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at lcherry@post.ca.gov, by telephone at (916) 227-4856, or by fax at (916) 227-5271. Michael McVean is the contact for inquiries on the substance of the proposed revisions. Mr. McVean is available by email at mmcvean@post.ca.gov, or by telephone at (916) 227-4253.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 12. DEPARTMENT OF VETERANS AFFAIRS

NOTICE OF PROPOSED RULEMAKING TITLE 12. CALIFORNIA CODE OF REGULATIONS, DIVISION 2 PROPOSED CHAPTER 7, SECTIONS 800-810 REGARDING SELECTION OF PROFESSIONAL SERVICE FIRMS

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CDVA) is proposing to take the action described in the Informative Digest.

NO PUBLIC HEARING

No public hearing is scheduled for this rulemaking. However, any interested person, or his or her duly authorized representative, may request a public hearing no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

NOTICE IS ALSO GIVEN that any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to:

The California Department of Veterans Affairs
Administrative Services Division
1227 O Street, Room 402
Sacramento, California 95814

Comments may also be submitted by facsimile to (916) 653-2200 or by e-mail to angela.willett@cdva.ca.gov. Comments must be submitted prior to 5:00 p.m. on January 12, 2009.

Following the comment period, the CDVA may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Sections 78, 80, and 700 of the California Military and Veterans Code authorize the CDVA to adopt the proposed regulations. The proposed adoption implements, interprets, and makes specific sections 4526 through 4529 of the Government Code as they relate to CDVA. The CDVA is considering changes to Division 2 of Title 12 of the California Code of Regulations as follows: Adopting proposed Chapter 7, Sections 800-810 related to the selection of professional service firms.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The broad objective of this proposal is to provide guidelines for the CDVA when selecting professional service firms such as architectural, landscape architec-

tural, professional engineering, environmental, land surveying, and construction project management services. The CDVA has a continuing need to contract for construction activities for maintenance or improvement of its various facilities.

The Department's facilities include three operating veterans homes, three veterans homes under construction, two sites for new veterans homes under development, a state veterans cemetery, and two office buildings. The three existing veterans homes are located in Yountville, Barstow, and Chula Vista, on 547 acres of land, with 1.5 million gross square feet of building space. New homes in Lancaster and Ventura are expected to be completed in March 2009 and in West Los Angeles in March 2010, thereby providing an additional 55 acres of land and 465,000 gross square feet of building space. Sites for new homes in Redding and Fresno totaling approximately 52 acres are presently in the design phase of development. Veterans homes provide domiciliary housing for the state's veterans and are also licensed to provide four levels of care, ranging from Residential Care for the Elderly to acute care. The Northern California Veterans Cemetery is located near Redding on 63 acres of land and contains 8,523 gravesites and 7,800 gross square feet of building space. A second veterans cemetery in Monterey County is currently in design concept.

The Department has a continuing need to contract for construction activities on these sites for maintenance or improvement of these facilities. In order to do that, the Department requires design services to devise proper solutions for the various facility maintenance and repair needs, as well as to provide documents for use in the construction bid process.

Existing law (Government Code section 4526) allows Departments such as CDVA to contract with private architectural, landscape architectural, professional engineering, environmental, land surveying, or construction project management firms only if the selection of a firm is on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Existing law also requires that, in order to implement this method of selection, state agency heads contracting for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services shall adopt, by regulation, procedures that assure that these services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agencies. Existing law (Government Code sections 4526-4529) places other mandatory constraints on departments when contracting for these types of professional services.

The proposed regulations are necessary to meet the requirements of existing law and will allow the CDVA to implement the selection of professional services firms on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. These regulations are necessary to enable the Department to contract with architectural, engineering, and related professional services firms in order to further its construction and maintenance activities. The proposed regulations establish a process for CDVA that will codify selection of these firms on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

The California State Legislature has recognized the importance of the Department having a robust facilities management unit by its approval of a budget change proposal establishing a Capital Assets and Facilities Management unit during the fiscal year 2008–09 budget deliberations. That budget change proposal was implemented in the Budget Act of 2008. These regulations are necessary to fully implement the activities of such a unit.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any costs or savings in federal funding to the state.

COSTS OR SAVINGS TO STATE AGENCIES

The CDVA estimates that it will not achieve significant cost savings by establishing Department guidelines for selecting professional services firms. The CDVA has relied entirely on the Department of General Services to provide these professional services and has determined that, for select projects, the State will benefit in time savings by undertaking the contracting for these professional services directly.

BUSINESS IMPACT/SMALL BUSINESSES

Pursuant to section 11346.3, subd. (b) of the California Government Code, the CDVA has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610. The determination that the proposal would not adversely affect small business is based upon the fact that the proposal allows the Department to seek professional services, potentially provided by small businesses, and to negotiate allowable fees for those services that are acceptable to both the State and the business.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

Pursuant to section 11346.3, subd. (b), of the California Government Code, the CDVA has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California, as the amount of such contracting that the Department will undertake is of such a small amount as to have no impact on the creation of jobs or businesses.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The CDVA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None

ALTERNATIVES CONSIDERED

The CDVA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CDVA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period or at a public hearing, if one is held.

CONTACT PERSON

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Angela Willett
California Department of Veterans Affairs
Administrative Services Division
1227 O Street, Room 402
Sacramento, CA 95814
(916) 651-3068
E-mail: angela.willett@cdva.ca.gov
Fax: (916) 653-2200

The backup contact person is: Richard Wyatt, Capital Assets and Facilities Management, California Department of Veterans Affairs, 1227 O Street, Room 402, Sacramento, CA 95814, (916) 653-2201. Inquiries may also be submitted by facsimile to (916) 653-2200 or e-mail to richard.wyatt@cdva.ca.gov.

INITIAL STATEMENT OF REASONS AND INFORMATION

The CDVA has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based. You may obtain a copy by making a written request to the contact person named above. These documents may also be viewed and downloaded from the CDVA website at www.cdva.ca.gov.

TEXT OF PROPOSAL

Copies of the exact language (express terms) of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the contact person named above. These documents may also be viewed and downloaded from the CDVA website at www.cdva.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing (if scheduled) and considering all timely and relevant comments received, the CDVA may adopt the proposed regulation substantially as described in this notice. If the CDVA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CDVA adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Angela Willett at the address indicated above. The CDVA will accept comments on the modified regulations for 15 days after the date on which they are made available.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.cdva.ca.gov.

TITLE 14. SIERRA NEVADA CONSERVANCY

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE SIERRA NEVADA CONSERVANCY

NOTICE IS HEREBY GIVEN that the Sierra Nevada Conservancy, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Sierra Nevada Conservancy proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The amendments change the designation of employees to list current position titles for staff required to file statements of economic interest, consistent with the Conservancy's current organizational structure, revises disclosure Category A to reflect the Conservancy's grant activities, and makes other technical changes to refine disclosure requirements for consultants to the conservancy. Copies of the proposed amendments to the code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the pro-

posed amendments by submitting them in writing no later than January 12, 2009, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

The proposed amendments will be considered at a public meeting of the Sierra Nevada Conservancy on December 4, 2009. Details concerning this meeting are available on the Conservancy's website [www.sierranevada.ca.gov]. No further public hearing has been scheduled at this time concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than December 29, 2008, by contacting the Contact Person set forth below.

The Sierra Nevada Conservancy has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Sierra Nevada Conservancy has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Sierra Nevada Conservancy must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Christine Sproul
Office of the California Attorney General
1300 I Street
Sacramento, CA 95814
916-324-5343
Christine.Sproul@doj.ca.gov

or

Joan Keegan
Assistant Executive Officer
11521 Blocker Drive
Auburn, CA 95603
530-823-4670
jkeegan@sierranevada.ca.gov

TITLE 18. FRANCHISE TAX BOARD

As required by section 11346.4 of the Government Code, this is notice that a public hearing has been scheduled to be held at 2:00 p.m., January 12, 2009, at Franchise Tax Board, 9646 Butterfield Way, Town Center Golden State Room B, Sacramento, California, to consider amendments of Regulation sections 23701(i) and 23772(d) under Title 18 of the California Code of Regulations, pertaining to exempt organizations.

An employee of the Franchise Tax Board will conduct the hearing. Interested persons are invited to present comments, written or oral, concerning the proposed regulatory action. It is requested, but not required, that persons who make oral comments at the hearing also submit a written copy of their comments at the hearing.

Government Code section 15702, subdivision (b), provides for consideration by the three-member Franchise Tax Board of any proposed regulatory action if any person makes such a request in writing.

WRITTEN COMMENT PERIOD

Any interested persons or their representatives may submit written comments to the agency officer named below. Written comments will be accepted until 5:00 p.m., January 12, 2009. The Franchise Tax Board will consider all relevant matters presented before the proposed regulatory action is taken.

AUTHORITY AND REFERENCE

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), Part 10.7 (commencing with Section 21001) and Part 11 (commencing with Section 23001) of the Revenue and Taxation Code. The proposed regulatory action makes necessary amendments to regulation sections 23701(i) and 23772(d) to conform to statutory changes made to section 23701d of the Revenue and Taxation Code.

INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW

AB 897, Stats. 2007, ch. 238, amended section 23701d of the Revenue and Taxation Code to change the rules for California income and franchise tax purposes for organizations that are exempt under Internal Revenue Code section 501(c)(3). As the legislative purpose of AB 897 is to allow federal law under Internal Revenue Code section 501(c)(3) to control, to the extent that existing California regulations conflict with federal law under Internal Revenue Code section 501(c)(3), consideration of any conflict in existing regulations is required to effectuate the Legislature's intent in AB 897. Therefore, to effectuate the legislative purpose of AB 897, the proposed amendments to the existing regulations will allow incorporated subordinates to be able to obtain tax exemption by virtue of being part of a group.

Regulation 23701(i)

The Franchise Tax Board proposes to amend California Code of Regulations, title 18, section 23701(i).

The proposed amendments to the existing regulation are necessary to conform to the statutory changes to Revenue and Taxation Code section 23701d. The proposed amendment to California Code of Regulations, title 18, section 23701(i), will allow incorporated subordinates to be able to obtain tax exemption by virtue of being part of a group, as opposed to having to file for California tax exemption separately.

Regulation 23772(d)

The Franchise Tax Board proposes to amend California Code of Regulations, title 18, section 23772(d). The proposed amendments to the existing regulation are necessary to conform to the statutory changes to Revenue and Taxation Code section 23701d. The proposed amendment to California Code of Regulations, title 18, section 23772(d), will allow incorporated subordinates to be able to obtain tax exemption by virtue of being part of a group, as opposed to having to file for California tax exemption separately.

DISCLOSURES REGARDING THE
PROPOSED REGULATORY ACTION

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in Federal funding to the State: None.

The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative, private person, or business: The Franchise Tax Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on the creation or elimination of jobs in the state: None.

Effect on the creation of new businesses or elimination of existing businesses within the state: None.

Effect on the expansion of businesses currently doing business within the state: None.

Significant effect on housing costs: None.

Effect on small business: These regulations pertain to tax exempt organizations and, therefore, have no impact on small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Franchise Tax Board must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of the Franchise Tax Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

The Franchise Tax Board invites interested persons to present statements or arguments with respect to alternatives to the proposed amendments to the regulations during the written comment period.

AVAILABILITY OF STATEMENT
OF REASONS AND TEXT OF PROPOSED
AMENDMENTS TO THE REGULATIONS

The Franchise Tax Board has prepared an initial statement of reasons for the proposed regulatory action. The express terms of the proposed regulatory action, the initial statement of reasons for the regulatory action, and all the information upon which the proposed regulatory action is based are available upon request from the officer named below.

CHANGE OR MODIFICATION OF ACTIONS

The proposed regulatory action may be adopted after consideration of any comments received during the comment period.

The amendments to the regulations may also be adopted with modifications if the changes are nonsub-

stantive or the resulting regulations are sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulations as modified could result from those originally proposed. The text of the regulations as modified will be made available to the public at least 15 days prior to the date on which the amendments to the regulations are adopted. Requests for copies of any modified regulations should be sent to the attention of the agency officer named below.

AVAILABILITY OF FINAL STATEMENT OF REASONS

When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website at <http://www.ftb.ca.gov>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice, the initial statement of reasons, and the express terms of the proposed regulations are also available at the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.

ADDITIONAL COMMENTS

If you plan on attending or making an oral presentation at the regulation hearing, please contact the agency officer named below. The hearing room will be accessible to persons with physical disabilities. Any person who is in need of a language interpreter, including sign language, should contact the officer named below at least two weeks prior to any scheduled hearing so that the services of an interpreter may be arranged.

CONTACT

All inquires concerning this notice or any request for a public hearing should be directed to Colleen Berwick at the Franchise Tax Board, Legal Department, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel.: (916) 845-3306; Fax: (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov. In addition, all questions on the substance of the proposed amendments to the regulations can be directed to Adam Susz, Tax Counsel, at the Franchise Tax Board, Legal Department, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel.: (916) 845-7066; Fax: (916) 855-5753; E-Mail: Adam.Susz@ftb.ca.gov.

GENERAL PUBLIC INTEREST

BOARD OF EQUALIZATION

BY NOTICE dated October 17, 2008, and published in the October 17, 2008, California Regulatory Notice Register 2008, Number 42-Z, the State Board of Equalization announced that it would conduct a public hearing on December 16, 2008, to consider proposed amendments to Regulation 1506, *Miscellaneous Services Enterprises* and Regulation 1524, *Manufacturers of Personal Property* in Title 18, Division 2, Chapter 4 of the California Code of Regulations relating to sales and use tax. A decision was made to reschedule the public hearing on the proposed regulation to be held on December 17, 2008, in Room 121, 450 N Street, Sacramento, CA at 9:30 a.m., or as soon thereafter as the matter may be heard.

Questions regarding the substance of the proposed regulatory action should be directed to Mr. Robert Tucker, (916) 322-2976, email Robert.Tucker@boe.ca.gov, or by mail to: State Board of Equalization, Attn: Robert Tucker, MIC:82, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Richard Bennion, Regulations Coordinator, telephone (916) 445-2130, fax (916) 324-3984, e-mail Richard.Bennion@boe.ca.gov or by mail at State Board of Equalization, Attn: Richard Bennion, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080 by December 17, 2008.

BOARD OF EQUALIZATION

BY NOTICE dated October 17, 2008, and published in the October 17, 2008, California Regulatory Notice Register 2008, Number 42-Z, the State Board of Equalization announced that it would conduct a public hearing on December 16, 2008, to consider proposed amendments to Regulation 1705, *Relief of Liability* in Title 18, Division 2, Chapter 4 of the California Code of Regulations relating to sales and use tax. A decision was made to reschedule the public hearing on the proposed regulation to be held on December 17, 2008, in Room 121, 450 N Street, Sacramento, CA at 9:30 a.m., or as soon thereafter as the matter may be heard.

Questions regarding the substance of the proposed regulatory action should be directed to Ms. Christine Bisauta, (916) 323-2549, email Christine.Bisauta@boe.ca.gov or by mail to State Board of Equalization, Attn: Christine Bisauta, MIC:82, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Richard Bennion, Regulations Coordinator, telephone (916) 445-2130, fax (916) 324-3984, e-mail Richard.Bennion@boe.ca.gov or by mail at State Board of Equalization, Attn: Richard Bennion, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080 by December 17, 2008.

**RULEMAKING PETITION
DECISION**

DEPARTMENT OF CONSERVATION

November 10, 2008

Mr. Al Solis
West Coast Recycling d.b.a.
Mission Recycling
1341 Mission Boulevard
Pomona, CA 91766

**PETITION TO LOWER LOAD LIMITS FOR
PLASTIC AND ALUMINUM BEVERAGE
CONTAINERS**

Dear Mr. Solis:

Thank you for your letter, received by the Department of Conservation (Department), Division of Recycling (Division) on October 23, 2008, to amend regulations relating to the Beverage Container Recycling Program. The Division appreciates the interest and concern you have expressed in this petition. The issues you raised in your letter are of immediate concern to our program. I agree that there is a need to review lower daily load limits for plastic and aluminum beverage containers. We will also explore the feasibility of establishing restrictions on flattened containers.

Pursuant to Government Code Sections 11340.6 and 11340.7 of the California Administrative Procedure Act, your petition to amend Division regulations is accepted. The Department is filing this decision with the Office of Administrative Law for publication in the California Regulatory Notice Register. This decision will begin the rulemaking process which will include a forty-five (45) day period for the public to submit comments relating to the proposed regulations.

Thank you for bringing this issue to my attention and suggesting a solution to a problem recyclers face identifying out-of-state containers being redeemed at recycling centers. If you have any questions regarding the proposed regulations or regulatory process, please contact

Sharon Siozon, Research Analyst II, at (916) 322-1760.

Sincerely,

/s/

Stephen M Bantillo
Assistant Director
for Recycling

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-1017-01
Board of Equalization
Meal Replacement Products

This regulatory action amends existing regulation Sections 1602 "Food Products" and 1591 "Medicines and Medical Devices" to specify dietary supplements and adjuncts furnished to a patient by a physician as part of a medically supervised weight loss program to treat obesity qualify as medicine. The sale and use of these medicines are exempt from tax as explained in regulation Section 1591(e)(7).

Title 18
California Code of Regulations
AMEND: 1591, 1602
Filed 11/14/2008
Effective 12/14/2008
Agency Contact: Rick Bennion (916) 445-2130

File# 2008-1006-01
CALIFORNIA HORSE RACING BOARD
Qualifications for License as Horse Owner

The California Horse Racing Board (Board) seeks to amend section 1505 of Title 4 of the California Code of Regulations. The proposed amendment provides that an applicant for renewal of a horse owner license whose license is in good standing with the Board, but who does not currently own a properly registered race horse that is

in the care of a licensed trainer, or who does not have an interest in a race horse as a co-owner, part owner, or lessee, may nevertheless renew such license as a horse owner.

Title 4
California Code of Regulations
AMEND: 1505
Filed 11/17/2008
Effective 12/17/2008
Agency Contact: Harold Coburn (916) 263-6397

File# 2008-1106-01
**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**
Electronic Waste Payment System — Consumer Fees

This emergency regulatory action increases the fees consumers must pay for covered electronic devices at the time of retail purchase. These funds are used to compensate authorized collectors and recyclers of covered electronic waste through standard payment rates designed to offset the cost of providing recovery and recycling services. These fees are established in Public Resources Code section 42464(a), but may be increased by the Board by regulation, in collaboration with the Department of Toxic Substances Control, pursuant to Public Resources Code section 42464(f).

Title 14
California Code of Regulations
ADOPT: 18660.40
Filed 11/13/2008
Effective 11/13/2008
Agency Contact: Harlee Branch (916) 341-6056

File# 2008-1110-02
**DEPARTMENT OF ALCOHOL AND DRUG
PROGRAMS**
Offender Treatment Program

This emergency regulatory action establishes the process for distributing funds available under the Substance Abuse Offender Treatment Program (OTP). The Department of Alcohol and Drug Programs will distribute these funds to counties that meet designated eligibility criteria for the purpose of improving county treatment practices with respect to substance abuse offenders who are sentenced to drug treatment in lieu of incarceration services under the Substance Abuse and Crime Prevention Act of 2000 (SACPA). Section 9550 specifies how counties may apply for OTP funding, eligibility criteria, allocation methodology, allowable use of funds, invoicing, reimbursement, recoupment of excess funds, and monitoring.

Title 9
California Code of Regulations
ADOPT: 9550
Filed 11/18/2008
Effective 11/18/2008
Agency Contact: Mary Conway (916) 327-4742

File# 2008-1105-02
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This emergency regulatory action expands the quarantine areas for the light brown apple moth (*Epiphyas postvittana*) in Contra Costa County, Sonoma County, Santa Cruz County, Alameda County and Monterey County and adds the Greenfield area of Monterey County to the quarantine area following the taking of multiple male moths from traps in each of these areas.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 11/12/2008
Effective 11/12/2008
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2008-0930-08
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Eradication Area

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2008-0620-01E) that established the entire county of Tulare as an eradication area for the Mediterranean fruit fly (*Ceratitis capitata*).

Title 3
California Code of Regulations
AMEND: 3591.5(a)
Filed 11/12/2008
Effective 11/12/2008
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2008-1031-01
DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Safety and Health Fund and Assessments

These amendments to Subchapter 2.06 of Title 8 add provisions covering a new Occupational Safety and Health Fund to levy on employers, pursuant to Labor Code section 62.5. Labor Code section 62.5(e) specifically exempts review of these regulations from the Administrative Procedure Act.

Title 8

California Code of Regulations

AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611

Filed 11/12/2008

Effective 11/12/2008

Agency Contact:

Richard Starkeson (650) 737-2022

File# 2008-0930-03

DEPARTMENT OF INSURANCE

Changes to Sections 37, 44 and 54 of the CAARP Plan of Operations

This rulemaking amends the California Automobile Assigned Risk Plan Plan of Operations to raise the minimum premium deposits for all commercial vehicles and to establish a new minimum premium deposit for extra heavy duty trucks and truck tractors. The rulemaking also clarifies the time period during which servicing carriers must issue financial responsibility filings for agencies such as FHA, ICC, DOT, PUC, and DMV.

Title 10

California Code of Regulations

AMEND: 2498.4.9

Filed 11/12/2008

Effective 12/12/2008

Agency Contact: Mike Riordan (415) 538-4226

File# 2008-0930-04

DEPARTMENT OF INSURANCE

Changes to Section 19 of the CAARP Plan of Operations

This regulatory action amends section 19 of the California Automobile Assigned Risk Plan (CAARP) Plan of Operations to require that "certified producers" must attend a producer seminar at least once every four years after certification. Certified producers are broker-agents who are able to submit applications for insurance on behalf of their clients.

Title 10

California Code of Regulations

AMEND: 2498.4.9

Filed 11/12/2008

Effective 12/12/2008

Agency Contact: Mike Riordan (415) 538-4226

File# 2008-1002-01

DIVISION OF WORKERS COMPENSATION

Retraining and Return to Work Regulations

This rulemaking adopts, amends, and repeals regulations in Title 8 of the California Code of Regulations so as to facilitate and implement the paperless Electronic Adjudication Management System, for workers' com-

pensation cases and claims, as it applies to vocational rehabilitation, job displacement benefits, and return to work regulations. The rulemaking also amends eight program forms and adds a ninth form which include optical character recognition capacity for form scanning into the electronic system.

Title 8

California Code of Regulations

ADOPT: 10116, 10116.1, 10116.2, 10116.3, 10116.5, 10116.6, 10116.7, 10116.8 AMEND: 10123.1 renumbered to 10116.4, 10001 renumbered to 10116.9, 10002 renumbered to 10117, 10003 renumbered to 10118, 10004 renumbered to 10119, 10005 renumbered to 10120, 10123, 10127, 10127.1, 10128, 10133.13, 10133.14, 10133.16, 10133.22, 10133.53, 10133.54, 10133.55, 10133.56, 10133.57, 10133.58 REPEAL: 10133.3, 10133.50

Filed 11/17/2008

Effective 11/17/2008

Agency Contact: Destie Overpeck (510) 286-7100

File# 2008-1002-03

DIVISION OF WORKERS COMPENSATION

Rules of the Court Administrator—EAMS

This action adopts standards, forms and rules for the submission of necessary case information for entry in the new electronic adjudication management system that will be used to keep track of all workers compensation claims and cases in California.

Title 8

California Code of Regulations

ADOPT: 10210, 10211, 10212, 10213, 10214, 10215, 10216, 10217, 10218, 10222, 10223, 10225, 10227, 10228, 10229, 10230, 10232, 10232.1, 10232.2, 10233, 10236, 10240, 10241, 10243, 10244, 10245, 10246, 10250, 10250.1, 10251, 10253, 10253.1, 10254, 10256, 10260, 10270, 10271, 10272, 10273, 10275, 10280, 10281, 10290, 10291, 10293, 10294, 10294.5, 10295, 10296, 10297 AMEND: 10252, 10252.1 REPEAL: 10250

Filed 11/17/2008

Effective 11/17/2008

Agency Contact: Destie Overpeck (510) 286-7100

File# 2008-1002-02

DIVISION OF WORKERS COMPENSATION

Disability Evaluation Unit Regulations

This regulatory action amends the Disability Evaluation Unit regulations to allow required documents to be filed with the Electronic Adjudication Management System (EAMS), a computer-based document filing and management system. Three current forms are revised and a new form is added.

Title 8
California Code of Regulations
ADOPT: 10150.1, 10150.2, 10150.3, 10150.4,
10151, 10151.1, 10166.1 AMEND: 10150, 10160,
10160.1, 10160.5, 10161, 10161.1, 10162, 10164,
10165, 10166, 10167 REPEAL: 10168
Filed 11/17/2008
Effective 11/17/2008
Agency Contact: Destie Overpeck (510) 286-7100

File# 2008-1022-03
**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Suspended Scaffolds — General

The Occupational Safety and Health Standards Board is amending section 1658(p), title 8, California Code of Regulations in order to make an editorial correction.

Title 8
California Code of Regulations
AMEND: 1658(p)
Filed 11/19/2008
Effective 11/19/2008
Agency Contact: Marley Hart (916) 274-5721

File# 2008-1008-04
OFFICE OF EMERGENCY SERVICES
California Disaster Assistance Act

This regulatory action contains amendments pertaining to the following aspects of the California Disaster Assistance Act: definitions, cost eligibility, contracting and procurement, emergency work, emergency protective measures, permanent work, streets, roads and bridges, dikes, levees and flood control works, public buildings, utilities, other eligible work, environmental compliance, the application process, and final claim process.

Title 19
California Code of Regulations
AMEND: 2900, 2910, 2915, 2920, 2930, 2940,
2945, 2950, 2955, 2960, 2965, 2966, 2970, 2980
Filed 11/14/2008
Effective 12/14/2008
Agency Contact: Linda MacRae (916) 845-8510

File# 2008-1002-04
**OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT**
Principal Language Spoken and Present on Admission Data Elements

This rulemaking amends Title 22 by changing what hospitals and ambulatory surgery centers must report to the Office of Statewide Health Planning and Develop-

ment. It also adds a statutorily mandated "principal language spoken" component, pursuant to Health & Safety Code sections 128735-128737, to the already existing list of data elements being collected and reported to OSHPD. The rulemaking also combines two elements currently reported into one single data element to match the national standard system.

Title 22
California Code of Regulations
ADOPT: 97234, 97267 AMEND: 97215, 97225,
97226, 97227, 97241, 97244, 97248
Filed 11/13/2008
Effective 11/13/2008
Agency Contact:
Candace L. Diamond (916) 324-2712

File# 2008-1021-03
WORKERS COMPENSATION APPEALS BOARD
WCAB Rules of Practice and Procedure

These are the Rules of Practice and Procedure of the Workers' Compensation Appeals Board and are exempt from portions of the Administrative Procedure Act, including OAL's review, pursuant to Government Code section 11351. They are being submitted for filing with the Secretary of State and printing only. The regulations take effect upon filing, November 17, 2008.

Title 8
California Code of Regulations
ADOPT: 10397, 10403, 10409, 10508, 10550,
10593, 10603, 10629, 10770.5, 10770.6, 10782,
10785, 10844, 10845 AMEND: 10301, 10302,
10324, 10346, 10400, 10410, 10411, 10412, 10450,
10500, 10505, 10507, 10510, 10541, 10561, 10589,
10608, 10616, 10626, 10750, 10751, 10753, 10754,
10755, 10770, 10779, 10840, 10842, 10843, 10846,
10848, 10850, 10860, 10865, 10866, 10946, 10950,
10953 REPEAL: 10306, 10308, 10347, 10390,
10391, 10392, 10395, 10396, 10414, 10415, 10416,
10417, 10514, 10520, 10548, 10555, 10563, 10590,
10591, 10592, 10610, 10630, 10758, 10762, 10771,
10867, 10890, 10952, 10955, 10957, 10995, 10996
Filed 11/17/2008
Effective 11/17/2008
Agency Contact: Neil P. Sullivan (415) 703-4554

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN June 18, 2008 TO
November 19, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted

by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

11/03/08 AMEND: 647.1, 647.2, 647.3, 647.20, 647.20.1, 647.21, 647.22, 647.23, 647.24, 647.25, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.36, 648.1, 648.3, 648.5, 649.20, 649.21
10/31/08 AMEND: 18545, 18703.4, 18730, 18940.2, 18942.1, 18943
10/31/08 ADOPT: 18402.1 AMEND: 18427
10/22/08 ADOPT: 59600
10/21/08 ADOPT: 1859.41.1, 1859.42.1 AMEND: 1859.2, 1859.41, 1859.42, 1859.43, 1859.51, 1859.147, Form SAB 50-01, Form SAB 50-03
10/20/08 ADOPT: 20120, 20121, 20122, 20123, 20124, 20125, 20126, 20127
09/04/08 ADOPT: 18530.45
09/04/08 AMEND: 18946.4
08/14/08 AMEND: 1859.2, 1859.121, 1859.122, 1859.127, 1859.129
08/08/08 ADOPT: 21905.5 AMEND: 21903, 21905
07/16/08 ADOPT: 18946.6
07/10/08 AMEND: 1859.76, 1859.83, 1859.104.3
07/10/08 AMEND: 1859.71
07/08/08 AMEND: 2271
06/26/08 AMEND: 554.2, 554.3

Title 3

11/12/08 AMEND: 3591.5(a)
11/12/08 AMEND: 3434(b)
11/07/08 AMEND: 3433(b)
10/30/08 ADOPT: 1430.142 AMEND: 1430.43
REPEAL: 1430.44.5
10/29/08 AMEND: 3435(b)
10/28/08 ADOPT: 3408
10/22/08 AMEND: 3700(c)
10/20/08 AMEND: 3433(b)
10/20/08 AMEND: 3434(b)
10/17/08 AMEND: 3423(b)
10/15/08 AMEND: 3433(b)
10/14/08 AMEND: 3434(b)
10/14/08 AMEND: 3423(b)
10/01/08 AMEND: 3434(b)
09/24/08 AMEND: 810.1 REPEAL: 810
09/23/08 AMEND: 3591.20(a)
09/23/08 AMEND: 3434(b)
09/18/08 AMEND: 3591.20(a)
09/17/08 AMEND: 3435(b)
09/11/08 AMEND: 3591.20(a)

09/10/08 AMEND: 3434
09/05/08 ADOPT: 3435
09/03/08 AMEND: 6452.2
09/02/08 AMEND: 3433(b)
09/02/08 AMEND: 3591.6(a)
08/26/08 AMEND: 3434(b)
08/25/08 AMEND: 3423(b)
08/18/08 AMEND: 6738, 6739
08/18/08 AMEND: 3434(b)
08/13/08 AMEND: 3434(b)
08/12/08 AMEND: 3406(b)
08/11/08 AMEND: 3406(b)
08/01/08 AMEND: 3589(a)
08/01/08 ADOPT: 3591.22
07/28/08 AMEND: 3434(b)
07/25/08 AMEND: 902.9
07/24/08 ADOPT: 3591.21
07/22/08 AMEND: 3417(b)
07/16/08 AMEND: 3700
07/16/08 AMEND: 3406
07/14/08 AMEND: 3963
07/11/08 AMEND: 3434(b)
07/09/08 AMEND: 3434(b)
06/30/08 AMEND: 3589(a)
06/24/08 AMEND: 3963
06/24/08 AMEND: 3060.3
06/23/08 AMEND: 3591.5(a)

Title 4

11/17/08 AMEND: 1505
10/30/08 AMEND: 1606
10/16/08 ADOPT: 12047, 12048, 12050, 12348
AMEND: 12002
10/03/08 ADOPT: 12008 AMEND: 12122, 12200.14, 12200.20, 12202, 12203A, 12203.2, 12205.1, 12218.13, 12220.14, 12220.20, 12220.20A, 12222, 12237, 12301, 12342, 12343, 12344, 12345
09/29/08 AMEND: 1843.2
09/02/08 AMEND: 1850
08/25/08 ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101
08/21/08 ADOPT: 1634 AMEND: 1420
08/12/08 ADOPT: 4180, 4181
08/08/08 AMEND: 12002, 12100, 12101, 12120, 12122, 12128, 12130, 12140, 12200, 12200.3, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.10C, 12200.11, 12200.13, 12200.14, 12200.16, 12200.17, 12200.18, 12200.20, 12200.21, 12201, 12202, 12203,

	12203A, 12203.1, 12203.2, 12203.3, 12203.5, 12204, 12205, 12205.1, 12218, 12218.1, 12218.5, 12218.7, 12218.11, 12220, 12220.3, 12220.13, 12220.14, 12220.16, 12220.18, 12220.20, 12220.20A, 12220.21, 12220.23, 12221, 12222, 12223, 12224, 12225, 12225.1, 12233, 12234, 12235, 12236, 12300, 12301, 12301.1, 12302, 12303, 12304, 12305, 12306, 12308, 12309, 12310, 12335, 12341, 12342, 12343, 12344, 12345, 12347, 12358, 12359, 12360, 12370, 12400, 12401, 12402, 12403, 12404, 12405, 12460, 12463, 12464, 12466, 12550, 12552, 12554, 12556, 12558, 12560, 12562, 12564, 12566, 12568, 12590		10133.55, 10133.56, 10133.57, 10133.58 REPEAL: 10133.3, 10133.50
08/04/08	AMEND: 1843.2	11/17/08	ADOPT: 10210, 10211, 10212, 10213, 10214, 10215, 10216, 10217, 10218, 10222, 10223, 10225, 10227, 10228, 10229, 10230, 10232, 10232.1, 10232.2, 10233, 10236, 10240, 10241, 10243, 10244, 10245, 10246, 10250, 10250.1, 10251, 10253, 10253.1, 10254, 10256, 10260, 10270, 10271, 10272, 10273, 10275, 10280, 10281, 10290, 10291, 10293, 10294, 10294.5, 10295, 10296, 10297 AMEND: 10252, 10252.1 REPEAL: 10250
07/14/08	AMEND: 8070, 8072, 8073	11/17/08	ADOPT: 10150.1, 10150.2, 10150.3, 10150.4, 10151, 10151.1, 10166.1 AMEND: 10150, 10160, 10160.1, 10160.5, 10161, 10161.1, 10162, 10164, 10165, 10166, 10167 REPEAL: 10168
07/10/08	AMEND: 1481, 1783, 1784	11/17/08	ADOPT: 10397, 10403, 10409, 10508, 10550, 10593, 10603, 10629, 10770.5, 10770.6, 10782, 10785, 10844, 10845 AMEND: 10301, 10302, 10324, 10346, 10400, 10410, 10411, 10412, 10450, 10500, 10505, 10507, 10510, 10541, 10561, 10589, 10608, 10616, 10626, 10750, 10751, 10753, 10754, 10755, 10770, 10779, 10840, 10842, 10843, 10846, 10848, 10850, 10860, 10865, 10866, 10946, 10950, 10953 REPEAL: 10306, 10308, 10347, 10390, 10391, 10392, 10395, 10396, 10414, 10415, 10416, 10417, 10514, 10520, 10548, 10555, 10563, 10590, 10591, 10592, 10610, 10630, 10758, 10762, 10771, 10867, 10890, 10952, 10955, 10957, 10995, 10996
06/24/08	ADOPT: 12335, 12340, 12357 AMEND: 12342, 12343, 12344, 12345, 12358, 12359	11/12/08	AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611
Title 5		11/06/08	AMEND: 2540.8, 2540.9, 2548.23, 2719, 2740, 2741, 2880, 2980
11/06/08	AMEND: 42723	10/01/08	AMEND: 3412, 3413, 3414, 3416
10/17/08	ADOPT: 100000, 100001, 100002, 100003, 100004, 100005, 100006, 100007, 100008, 100009, 100010, 100011, 100012, 100013, 100014, 100015	09/23/08	AMEND: 5155
10/14/08	ADOPT: 42729	09/22/08	ADOPT: 1530.1
09/10/08	AMEND: 41000	09/17/08	AMEND: 1512
09/09/08	ADOPT: 19828.3, 19837.2 AMEND: 19816, 19816.1, 19828.2, 19837.1, 19846	08/26/08	AMEND: 5168, 6775
08/11/08	AMEND: 41000	08/25/08	ADOPT: 9721.11, 9721.12, 9721.13, 9721.14, 9721.21, 9721.33 AMEND: 9720.1, 9720.2, 9721.1, 9721.2, 9721.31, 9721.32, 9722, 9722.1, 9722.2, 9723
08/04/08	ADOPT: 15575, 15576, 15577, 15578	08/08/08	AMEND: 1532.1
07/16/08	AMEND: 18272	08/04/08	AMEND: 3649
06/24/08	AMEND: 80021		
06/19/08	AMEND: 4600(l)		
Title 8			
11/19/08	AMEND: 1658(p)		
11/17/08	ADOPT: 10116, 10116.1, 10116.2, 10116.3, 10116.5, 10116.6, 10116.7, 10116.8 AMEND: 10123.1 renumbered to 10116.4, 10001 renumbered to 10116.9, 10002 renumbered to 10117, 10003 renumbered to 10118, 10004 renumbered to 10119, 10005 renumbered to 10120, 10123, 10127, 10127.1, 10128, 10133.13, 10133.14, 10133.16, 10133.22, 10133.53, 10133.54,		

08/04/08 AMEND: Appendix C following section 560, Appendices A, B, and C following section 1938, and section 5001
 07/30/08 AMEND: 1524
 07/18/08 AMEND: 290.0, 290.1, 291.0, 291.1, 291.2, 291.5, 292.0, 294.0, 295.0, 296.0, 296.1, 296.2, 296.3, 296.4
 07/18/08 AMEND: 2500.7
 07/17/08 AMEND: 4885, 4924, 5004
 07/17/08 AMEND: 1604.24, 1604.26
 07/14/08 AMEND: Appendix B following 1541.1
 06/30/08 ADOPT: 4300.1 AMEND: 4297, 4300

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11/18/08 ADOPT: 9550
 07/11/08 ADOPT: 1810.207.5, 1810.220.5
 AMEND: 1830.220
 07/02/08 AMEND: 9515(d), 10522(b)

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11/12/08 AMEND: 2498.4.9
 11/12/08 AMEND: 2498.4.9
 11/07/08 AMEND: 2498.5
 11/03/08 AMEND: 2498.5
 09/22/08 AMEND: 2699.6500, 2699.6803, 2699.6805
 09/15/08 AMEND: 2699.6619, 2699.6700, 2699.6703, 2699.6705, 2699.6709, 2699.6711, 2699.6713, 2699.6715, 2699.6717, 2699.6721, 2699.6723, 2699.6725
 09/11/08 AMEND: 2330.1
 08/15/08 ADOPT: 2844 AMEND: 2840, 2842
 08/14/08 AMEND: 2699.100, 2699.201, 2699.205, 2699.207, 2699.209, 2699.400
 08/04/08 AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119
 07/30/08 AMEND: 2498.6
 07/24/08 AMEND: 2498.4.9
 07/23/08 AMEND: 2498.4.9
 07/23/08 AMEND: 2498.4.9
 07/21/08 ADOPT: 2330.1, 2330.3, 2330.4, 2330.5
 07/17/08 AMEND: 2498.6
 07/10/08 REPEAL: 2191
 07/10/08 AMEND: 2699.6611
 07/07/08 ADOPT: 2699.6602, 2699.6604
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11/07/08 AMEND: 1005, 1081
 10/27/08 AMEND: 1005, 1007, 1008, 1052
 10/16/08 AMEND: 1081

10/14/08 AMEND: 1005
 10/02/08 AMEND: 1003, 9040, 9041, 9073(b)
 10/02/08 AMEND: 1081
 09/23/08 ADOPT: 44.3
 07/08/08 ADOPT: 30.14

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11/03/08 AMEND: 25.06, 25.07, 25.08, 25.09, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
 10/20/08 ADOPT: 346.00, 346.02, 346.04, 346.06, 346.08, 346.10, 346.12, 346.14, 346.16
 10/07/08 AMEND: 935
 10/02/08 AMEND: 423.00
 10/02/08 AMEND: 15.00, 15.03
 09/08/08 AMEND: 2449
 08/29/08 ADOPT: 2660(a)(0.5), 2260(a)(0.7), 2260(a)(6.9), 2260(a)(7.5), 2260(a)(8.5), 2260(a)(10.5), 2260(a)(10.7), 2260(a)(19.7), 2260(a)(19.8), 2260(a)(23.5), 2260(a)(23.7), 2260(a)(37), 2260(a)(38), 2260(a)(39), 2262.3(d), 2264.2(a)(3), 2264.2(b)(5), 2264.2(d), 2265(c)(4), 2265.1, 2265.5, 2266(b)(3), 2266(b)(4), 2266(b)(5)
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 08/13/08 ADOPT: 619.2 AMEND: 615, 615.1, 616, 617, 618, 619, 619.1
 07/15/08 AMEND: 440.04

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10/20/08 ADOPT: 2299.5, 93118.5
 07/02/08 AMEND: 2299.1, 93118

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11/13/08 ADOPT: 18660.40
 11/07/08 AMEND: 895.1, 919.9, 939.9
 11/07/08 AMEND: 1038(i)
 11/07/08 AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963
 10/30/08 AMEND: 29.85
 10/23/08 AMEND: 163, 164
 10/22/08 AMEND: 1052.4
 10/21/08 AMEND: 15387 Appendix C
 10/09/08 AMEND: 791, 791.7, 795
 09/22/08 AMEND: 4900 REPEAL: 4901, 4902, 4903, 4904
 09/15/08 AMEND: 502
 09/11/08 AMEND: 10310, 10360, 10810, 10820, Appendix D, Appendix F
 09/09/08 ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5, 17987.6

09/04/08	AMEND: 670.2		Article 8 and title, new Article 9 and title,
08/27/08	AMEND: 300		new Article 10 and title, new Article 12
08/25/08	ADOPT: 27.32 AMEND: 27.20(f), 27.25, 27.30, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58		and title, 3640, new Article 13 and title, 3650, 3651, 3652, 3652.1, 3653, 3654, new Article 14 and title, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, new Article 15 and title, 3720. 3721, 3721.1, 3722, 3723, new Article 16 untitled, 3730, new Article 17 and title, new Article 18 and title, 3750, 3751, 3752, 3753, 3754, 3755, 3756, new Article 19 and title, 3760, 3761, 3762, 3763, 3764, 3765, 3766, new Article 20 and title, 3770, 3771, and 3772. AMEND: 3604, 3605, 3605.5, 3701.1, 3705, 3706, 3801, 3802, renumber old Article 2 with title, and 3815.
08/18/08	AMEND: 749.3		
08/14/08	ADOPT: 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965		
08/12/08	ADOPT: 124		
08/11/08	AMEND: 503		
08/06/08	AMEND: 815.05, 818.02, 825.05, 827.02		
07/28/08	AMEND: 702		
07/23/08	AMEND: 7.50		
07/15/08	ADOPT: 4860		
07/08/08	ADOPT: 124.1 AMEND: 122, 125, 149.1, 150, 150.02, 150.03, 150.05, 163, 163.5, 164, 174, 180.3	07/17/08	ADOPT: 3134.1 AMEND: 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147
07/02/08	AMEND: 7.50		
07/01/08	AMEND: 27.80	07/14/08	ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
06/30/08	AMEND: 120.7		
06/23/08	AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34	07/08/08	ADOPT: 3334 AMEND: 3000
06/20/08	AMEND: 360, 361, 362, 363, 364, 551, 708, 712	06/23/08	ADOPT: 2275
06/18/08	ADOPT: 355		
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10/30/08	AMEND: 3000, 3375, 3376.1, 3379	10/30/08	AMEND: 1399.571
10/28/08	ADOPT: 3999.7	10/17/08	ADOPT: 1399.610, 1399.612 AMEND: 1399.502
10/23/08	ADOPT: 1417 AMEND: 1029, 1206, 1248, 1357, 1358, 1461	10/07/08	AMEND: 832.47
10/15/08	ADOPT: 3999.6	10/02/08	AMEND: 3351.2
09/15/08	ADOPT: 3269	09/29/08	AMEND: 2522, 2524, 2579, 2579.10 REPEAL: 2522.5, 2579.1
09/03/08	AMEND: 2253	09/22/08	AMEND: 4154, 4155
08/29/08	AMEND: 3000, 3261.1, 3261.2, 3261.4, 3261.5, 3261.7, 3267	09/19/08	AMEND: 11.5, 12, 12.5, 37, 87.1
08/04/08	AMEND: 2041	09/10/08	ADOPT: 1028.2, 1028.3, 1028.4, 1028.5 AMEND: 1021
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07/30/08	ADOPT: 3503, 3505, 3506, 3507, 3508, 3509, 3510, 3511, new Article 2 and title, 3520, 3521, 3521.1, 3521.2, 3521.3, 3521.4, 3521.5, 3521.6, 3522, 3523, 3524, 3525, 3526, 3527, new Article 3 and title, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, new Article 4 and title, 3560, 3561, 3562, 3563, 3564, new Article 5 and title, 3570, 3571, new Article 6 and title, 3580, 3581, 3582, new Article 7 and title, new	08/25/08	AMEND: 1399.480, 1399.481, 1399.482, 1399.483, 1399.484, 1399.485, 1399.486, 1399.487, 1399.488, 1399.489, 1399.489.1
		08/15/08	AMEND: 1361
		08/13/08	AMEND: 3394.6
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		08/07/08	AMEND: 4161
		07/30/08	AMEND: 2649
		07/23/08	AMEND: 1399.152.2, 1399.153, 1399.153.3
		07/18/08	AMEND: 134 REPEAL: 135
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07/08/08 AMEND: 1399.540
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 06/30/08 ADOPT: 119.7
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11/14/08 AMEND: 1591, 1602
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 08/11/08 AMEND: 1807, 1828
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 07/16/08 AMEND: 5216, 5310, 5311, 5326.4,
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 06/23/08 AMEND: 19503

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11/14/08 AMEND: 2900, 2910, 2915, 2920, 2930,
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 08/07/08 ADOPT: 1980.00, 1980.01, 1980.02,
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 10/29/08 AMEND: 64413.1, 64414, 64431,
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 10/28/08 AMEND: 87102, 87105
 10/15/08 AMEND: 2051-3
 09/26/08 AMEND: 3258-1, 3267-1, 3267-2

08/07/08 AMEND: 51098.5, 51202.5, 51309.5,
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06/26/08 AMEND: 100140, 100141, 100163,
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 83017, 83064, 83075, 84065, 84068.2,
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 86517, 88001, 88022, 88031, 88065.3,
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07/07/08 AMEND: Title 22, 67450.11; Title 27,
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11/06/08 AMEND: 2200, 2200.4, 2200.5, 2200.6

11/06/08 ADOPT: 3939.32

11/05/08 AMEND: 1062, 1064, 1077, 3833.1

10/22/08 ADOPT: 3989.7

10/14/08 AMEND: 3939.19

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09/17/08 ADOPT: 3919.4

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09/18/08 AMEND: DSS MPP 63-102, 63-504

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